

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the resolve in section 2 in subsection 3 in the first line (page 1, line 16 in L.D.) by striking out the following: "experiencing declining enrollment"

Amend the resolve by striking out all of sections 3 and 4 (page 1, lines 25 to 30 in L.D.) and inserting the following:

Sec. 3 Emergency rules. Resolved: That, pursuant to the Maine Revised Statutes, Title 5, section 8073 and not later than October 31, 2008, the State Board of Education is authorized to adopt major substantive rules on an emergency basis to amend "Chapter 61: State Board of Education Rules for Major Capital School Construction Projects" to ensure that an innovative model as recommended pursuant to section 1 can be implemented as soon as funds are made available. The emergency rules must be based on the criteria established in sections 1 and 2. The State Board of Education shall also file provisionally adopted rules by December 31, 2008 that amend "Chapter 61: State Board of Education Rules for Major Capital School Construction Projects" to ensure that an innovative model can be implemented as soon as funds are made available; and be it further

Sec. 4 Funding for construction. Resolved: That the Department of Education shall ensure that future construction funding for the comprehensive high school and career and technical high school portions of the model recommended pursuant to section 1 is included in the next available round of new school construction funding in this State. Notwithstanding the Maine Revised Statutes, Title 20-A, section 15905, subsection 1, paragraph A-1 and not later than December 31, 2008, the Commissioner of Education shall recommend an increase in the debt ceiling effective in fiscal year 2011-12 to create a pool of available funds for the innovative model based on the criteria set forth in sections 1 and 2. Funds used for the innovative model selected pursuant to this resolve may not impact the funds that would normally be used for new school construction projects that are prioritized and selected under the current guidelines set forth in "Chapter 61: State Board of Education Rules for Major Capital School Construction Projects"; and be it further

Sec. 5 Deadline for selection of model. Resolved: That, not later than December 31, 2008, the Department of Education shall recommend, and the State Board of Education shall select, a qualified applicant to implement the innovative model pursuant to this resolve based on the emergency rules established pursuant to section 3.'

SUMMARY

This amendment to the resolve accomplishes the following.

1. It directs the State Board of Education to adopt emergency rules by October 31, 2008 and to file provisionally adopted rules by December 31, 2008 to amend State Board of Education Rules Chapter 61 to ensure that an innovative model can be implemented as soon as funds are made available.

2. It directs the Commissioner of Education to recommend an increase in the debt ceiling effective in fiscal year 2011-12 to create a pool of available funds for the innovative model based on the criteria

set forth in the resolve. It also specifies that funds used for the innovative model selected pursuant to this resolve may not impact the funds that would normally be used for new school construction projects that are prioritized and selected under the current guidelines set forth in the State Board of Education Rules Chapter 61.

3. It requires that, by December 31, 2008, the Department of Education recommend, and the State Board of Education select, a qualified applicant to implement the innovative model.